



United States
Department of
Agriculture

Food and
Nutrition
Service

Mountain
Plains
Region

1244 Speer Boulevard
Denver, CO
80204-2581

Reply to
Attn of:

DEC 19 2003

SP-04-02

Subject:

Foods of Minimal Nutritional Value—Water Ice and Soda Water

To:

STATE AGENCY DIRECTORS - Colorado ED, Iowa, Kansas, Missouri ED,
(Special Nutrition Programs) Montana OPI, Nebraska, North Dakota,
South Dakota, Utah and Wyoming

The purpose of this memo is to clarify what constitutes a "water ice" and "soda water" under foods of minimal nutritional value (7 CFR 210, and Appendix B to Part 210 for the National School Lunch Program.) There have been questions about various products and whether they are considered in one of these two categories of Foods of Minimal Nutritional Value (FMNV.) A food that is considered as a "water ice" or as "soda water" cannot be sold in competition with program meals.

Water ices include foods that are artificially or naturally flavored with non-fruit or non-fruit juice flavorings. However, a frozen product with fruit or fruit juice or with milk or milk products is not classified as a water ice. Further, unless exempted as allowed under Appendix B to Part 210, all soda waters, which include all carbonated beverages, are considered a FMNV.

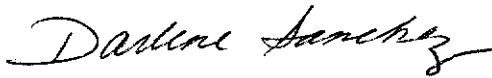
Therefore, unless the following types of products have an exemption for a specific product, they are considered FMNV:

- Frozen, water-based bars—water ices
- Frozen, coffee/tea drinks—water ices
- Partially frozen drinks—water ices
- Frozen pickle juice/brine—water ices
- Soda water floats—soda water; while these items contain ice cream which is not a FMNV, the main ingredient is soda water.

State Agency Directors

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Please contact Gina O'Brian of my staff at (303) 844-0354 if there are any questions about these or similar products.

A handwritten signature in cursive script that reads "Darlene Sanchez".

DARLENE SANCHEZ
Regional Director
Special Nutrition Programs